

#12/18  
10/25/02  
Atty's Docket No. :101196-38

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is TRANSMITTED BY FACSIMILE to the Assistant Commissioner For Patents, Washington, D.C. 20231, on October 23, 2002.

*Theodore Gottlieb*  
Theodore Gottlieb

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

SERIAL NO.	09/743,395
APPLICANT	Bernd DORKEN et al.,
FILED	February 7, 2001
EXAMINER	Bronwen Loeb
ART UNIT	1636
FOR	METHOD FOR IMPROVING THE GENE TRANSFER OF GENETIC MATERIAL IN MAMMALIAN CELLS THROUGH THE USE OF P21 (WAF-1)

Hon. Commissioner of Patents  
Washington, D.C. 20231

October 23, 2002

**NOTICE OF APPEAL UNDER 37 CFR 1.134**

Applicant hereby appeals to the Board of Appeals from the decision dated April 23, 2002 the primary Examiner finally rejecting claims 12-14 in this application.

The period for response to the final rejection was set to expire on October 23, 2002. Such period has been extended three (3) months as indicated in the Petition for Extension of Time.

Charge the appeal fee of (check one):

[ ] \$320.00  
[X] \$160.00

to Deposit Account No. **14-1263**.

10/25/2002 TJOHNS04 00000005 141263 09743395

01 FC:2401

160.00 CH

, ET AL.  
USSN

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, applicant requests that this be considered a petition therefor. Please charge the required Petition fee to Deposit Account No. 14-1263.

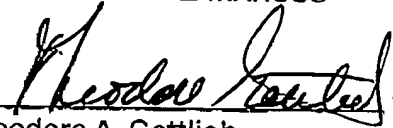
ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No. 14-1263.

One additional copy of this Notice is enclosed herewith.

Respectfully submitted,

NORRIS, McLAUGHLIN & MARCUS

By: 

Theodore A. Gottlieb

Reg. No. 42,597

220 East 42<sup>nd</sup> Street - 30<sup>th</sup> Floor

New York, New York 10017

Tel.: (212) 808-0700

Fax: (212) 808-0844